

# United States District Court

Joseph P. Schmitt, pro se  
Plaintiff,

v.

MA. Dept. Of Correction, et al  
Defendants.

FILED  
CLERK'S OFFICE  
Civil Action No.  
2005 SEP 21 P 3:58-RWZ  
U.S. DISTRICT COURT  
DISTRICT OF MASS

## Plaintiff's Motion for Clarification Of Court's Order

The plaintiff, Joseph P. Schmitt, hereby moves this Court for clarification of its September 15, 2006 Order.

This court, in its order, stated, "But it is plaintiff who has filed duplicative actions," (Emphasis Added by plaintiff). "Since there are two cases the only avenue available to defendants to raise the issue in each case was to file a motion in each."

Plaintiff respectfully moves this court for clarification as to the specific reasons this court is stating USDC civil actions, 05-10573-RWZ and 05-10571 are duplicative actions.

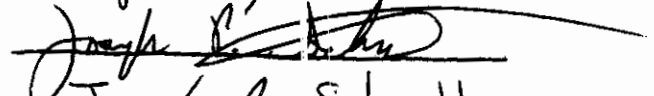
Plaintiff states that CA. 05-10571-RWZ is based upon the facts that he was issued two separate disciplinary reports by defendant Carter Thomas. CA. 05-10573-RWZ is based

upon the facts that plaintiff's personal property was taken from him and remains out of his possession without due process.

Plaintiff fails to comprehend how these cases, based upon completely separate issues, are, as this court states in its September 15, 2006 Order, "duplicative actions."

Dated: Sept. 20, 2006

Respectfully filed,



Joseph P. Schmitt, pro se  
Nemasket Corr. Facility  
30 Administration Road  
Bridgewater, Ma. 02324

### Certificate of Service

The undersigned swears under pains and penalties of perjury that on Sept 20, 2006 a true copy of this motion was mailed to counsel for defendants via (indigent mail pursuant to 103-CMR-481 Inmate Mail Policy) First Class US Mail.

